

**UNITED STATES DISTRICT COURT
DISTRICT OF NORTH DAKOTA**

Jessica Allen, individually and on behalf of
the heirs at Law of Lacey Higdem,

Plaintiff,

vs.

Myles Brunelle, in his individual capacity;
April Azure, in her individual capacity;
Rolette County; Roy Cordy, MD; and
Presentation Medical Center,

Defendants.

Civil No. 3:22-CV-93 (PDW/ARS)

**PLAINTIFF’S MEMORANDUM IN
SUPPORT OF UNOPPOSED MOTION
FOR LEAVE TO FILE
DISTRIBUTION PLEADINGS UNDER
SEAL**

The parties have reached a full resolution of this civil-rights and wrongful-death lawsuit. Because a portion of the case arose under North Dakota law, Plaintiff intends to seek Court approval of a proposed distribution of the financial proceeds for the heirs at law of Lacey Higdem, Plaintiff’s decedent. *See* N.D.C.C. § 32-21-04. The distribution-approval pleadings will necessarily include information protected under Federal Rule of Civil Procedure 5.2, such as birth dates and the full names of minors. It is necessary to include all such protected private information in the distribution pleadings *without* redaction, to ensure that distribution details are made available to all interested persons and financial institutions. In addition, the terms of Plaintiff’s resolution with Defendants Presentation Medical Center and Roy Cordy, M.D. are confidential pursuant to the parties’ agreement. These confidential terms will necessarily be included in the distribution pleadings.

For these reasons, Plaintiff seeks leave to file her distribution pleadings under seal. The Court enjoys the discretion to approve such a request on a proper showing. *See Webster Groves Sch. Dist. v. Pulitzer Publ’g Co.*, 898 F.2d 1371, 1376 (8th Cir. 1990). Plaintiff submits such a showing has been made here. Moreover, Plaintiff’s counsel has conferred with counsel for all

Defendants in this action, and none opposes this motion.

Based on the foregoing, Plaintiff respectfully requests that she be granted leave to file distribution pleadings under seal.

Dated: April 28, 2025

Robins Kaplan LLP

s/Andrew J. Noel

Andrew J. Noel (#322118)
Marc E. Betinsky (#0388414)
Julie C. Moroney (#0504300)
800 LaSalle Avenue, Suite 2800
Minneapolis, MN 55402
Telephone: 612.349.8500
ANoel@RobinsKaplan.com
MBetinsky@RobinsKaplan.com
JMoroney@RobinsKaplan.com

-and-

Timothy Q. Purdon (#05392)
1207 West Divide Avenue, Suite 200
Bismarck, ND 58503
TPurdon@robinskaplan.com
Telephone: 701.255.3000

Attorneys for Plaintiff